



U.S. ARMY

# Central Review

## of Legislative & Regulatory Actions

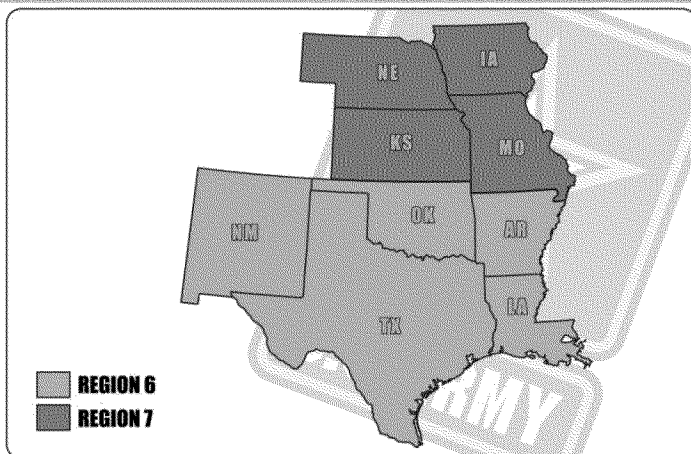


The U.S. Army Regional Environmental & Energy Office

February 2016

The **Central Review** publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the nine states and territories in Federal Regions 6 and 7, the **Central Review** gives early notice of legislative and regulatory activities relevant to DOD interests. The Review also helps installations meet ISO 14001 environmental management system requirements.

Find out more about the Army Regional Environmental and Energy Offices [here](#). Click [here](#) to browse back issues of the **Central Review**. To read back issues of other Regional Office Reviews, click on a region of the REEO website's U.S. map and then select "Publications."



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## MITIGATING IMPACTS ON NATURAL RESOURCES

President Obama recently signed a [Memorandum](#) encouraging federal agencies to avoid or limit harmful impacts to natural resources and to address impacts that do occur, citing the use of compensatory mitigation, private investment, and public private partnerships as means to achieving these goals.

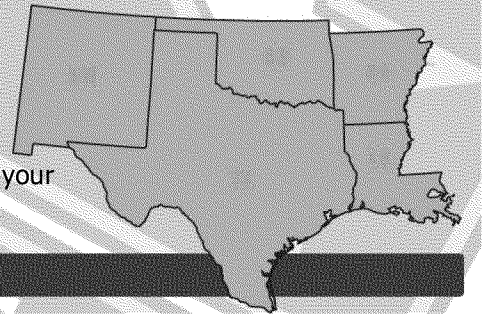
The President's Memorandum directs the DOD, Department of Interior, the Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration to adopt clear and consistent approaches to avoid, minimize, and address harmful environmental impacts of their activities and projects. The President identifies the need for the agencies to develop policies that will result in predictability, which is necessary for incentives that encourage private and non-governmental investment. The President notes that where possible, policies should operate similarly across agencies and be implemented within them. Among the specific actions agencies are required to take within a year:

- The Fish and Wildlife Service (FWS) is directed to finalize a policy that provides clarity and predictability for actions taken to conserve a species in advance of potential future listing under the Endangered Species Act (ESA). The policy will provide a mechanism to recognize and provide credit for such actions as avoidance, minimization, and compensatory mitigation.
- The Department of Interior is directed to develop program guidance regarding the use of mitigation projects and measures through land use authorizations, cooperative agreements, or other mechanisms that would authorize a project proponent to conduct actions or otherwise secure conservation benefits for the purpose of mitigating impacts elsewhere.

**Note, the provisions of the Memorandum do not apply to military testing, training, and readiness activities.**

# Region 6

For more information or to comment on any state issues in Region 6, contact your Regional Environmental Coordinator listed in the [Staff Directory](#).



**LEGISLATIVE SESSION: 8 FEB THROUGH 16 MAR 16**

## PROPOSED RULE

**ARKANSAS IMPAIRED WATERBODIES LIST.** The Arkansas Department of Environmental Quality (ADEQ) has announced a public hearing to receive comments on the agency's proposed 2016 Impaired Waterbodies List (commonly called the 303(d) List). The 303(d) List is developed by ADEQ every two years under provisions of Section 303(d) of the Federal Clean Water Act. ADEQ assesses water quality monitoring data from numerous locations around the state and utilizes a comprehensive assessment methodology to determine which waters are not meeting their water quality standards and/or designated uses as listed in the Arkansas Water Quality Standards (Regulation 2 of the Arkansas Pollution Control and Ecology Commission). A hearing is scheduled for 1 MAR 16, and comments are due 11 MAR 16. POC: [ADEQ](#).



**LEGISLATIVE SESSION: 14 MAR THROUGH 2 JUN 16**

## PROPOSED RULE

**DEFINITIONS OF MAJOR SOURCE AND MAJOR STATIONARY SOURCE RELATIVE TO GREENHOUSE GASES** (LAC 33:III.502.A and 509.B). The Department of Environmental Quality (DEQ) has proposed rulemaking to amend the air regulations to delete the major source threshold for greenhouse gases (GHGs) ( i.e., 100,000 tons per year of carbon dioxide equivalents, or CO<sub>2</sub>e) from the definitions of "major source" in LAC 33:III.502.A and "major stationary source" in LAC 33:III.509.B. These definitions are used to determine applicability of the Part 70 (Title V) Operating Permits and Prevention of Significant Deterioration (PSD) programs . A hearing is scheduled for 25 FEB 16, and comments are due 3 MAR 16. POC: [Deidra Johnson](#).

**HAZARDOUS WASTE ELECTRONIC MANIFEST RULE** (LAC 33:V.109, 1107, 1301, 1307, 1516 ). The DEQ has proposed a rulemaking to amend the Hazardous Waste Electronic Manifest regulations to be consistent with federal requirements. A hearing has been scheduled for, and comments are due, 25 FEB 16. POC: [Deidra Johnson](#).

**TRIENNIAL REVIEW OF LOUISIANA WATER QUALITY STANDARDS** (LAC 33:IX.CHAPTER 11). The DEQ has given notice of its intent to initiate a triennial review of Louisiana's Water Quality Standards (WQS). This review is being conducted to evaluate the need to update or revise the WQS in order to remain consistent with state and federal law. The review will also ensure that Louisiana's WQS continue to reflect the best available science and support sound water quality management policies to improve and protect the water resources of the state. This is a preliminary step in the review and potential rulemaking process. Official rulemaking, if necessary, will be initiated after review and consideration of the comments received. A hearing is scheduled for, and comments are due, 30 MAR 16. POC: [Sandy Stephens](#).



## LEGISLATIVE SESSION: 19 JAN THROUGH 18 FEB 16

### PROPOSED LEGISLATION

**SB 71** removes the requirement that motor vehicle diesel fuel contain five percent biodiesel. Sponsor: Senator Stuart Ingle (R).

**SB 76** amends the Sale of Recycled Metals Act to include lead material. Sponsor: Senator Steven P. Neville (R).

**SB 104** (COMPANION **HB 175**) increases the amount of electricity that may be produced by qualified energy generators that will be eligible for a renewable energy production tax credit; extends the date that a qualified energy generator must first produce electricity to qualify for the renewable energy production tax credit; decreases the amount of credit per kilowatt-hour for certain taxable years; limits the period for which a taxpayer may claim the renewable energy production tax credit to 10 years; and makes geothermal energy a qualified energy source. Sponsor: Representative David Gallegos (R).

**SB 204** creates a regional water utility authority for the purposes of purchasing, acquiring, establishing or constructing waterworks to supply water for domestic, commercial and industrial purposes by any available means to persons within and without the boundaries of the authority; purchasing, acquiring, establishing or constructing wastewater systems for the treatment and disposal of sewage or for the management of decentralized or on-site wastewater disposal systems; planning, developing, managing, maintaining or coordinating regional water and wastewater facilities; infrastructure development of renewable energy projects that are integral to the operation and maintenance of the authority's facilities; and implementing storm water management strategies to control flooding and erosion and to minimize water pollution. Sponsor: Senator Richard C. Martinez (D).

**SB 223** is an act relating to natural resources; providing for the development, regulation and conservation of geothermal resources; repealing the geothermal resources conservation act and enacting the geothermal resources development act; requiring geothermal permits; providing powers and duties; prescribing civil penalties and remedies. Sponsor: Senator Ron Griggs (R).

### FINAL RULE

**NEW SOURCE PERMITTING.** The Environmental Improvement Board has adopted a rulemaking that amends [20.2.77 NMAC](#), [20.2.78 NMAC](#), and [20.2.82 NMAC](#) by incorporating by reference the new rules, corrections, revisions and amendments to the federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP) and Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants (MACT), which

were promulgated by the EPA and published in the Federal Register from the most recent date of incorporation through 15 SEP 15.

## PROPOSED RULE

**UTILITY OPERATOR CERTIFICATION REGULATIONS (20.7.4 NMAC).** The proposed amendments would add a new section, 20.7.4.16 NMAC, and are necessary to conform to the requirements in the Utility Operators Certification Act and the Utility Operator Certification Regulations for providing general criteria for the level of professional conduct expected of certified operators in the state of New Mexico. A hearing is scheduled for 8 MAR 16. POC: Pam Castaneda, (505) 827-2425.



## LEGISLATIVE SESSION: 1 FEB THROUGH 25 MAY 16

### PROPOSED LEGISLATION

**HB 2440** is a bill relating to wind energy facilities modifying setback distance for airports, and declaring an emergency. Sponsor: Representative Bobby Cleveland (R).

**HB 2745** is a bill relating to environment and natural resources by creating the Oklahoma Beverage Containers Control Act, establishing the refund value of a beverage container sold in the state, providing for the return of the refund value to the consumer, requiring a distributor to reimburse certain persons who redeem empty beverage containers a certain amount, allowing certain persons to compact empty metal beverage containers, prohibiting a dealer from refusing to accept an empty beverage container from a consumer, providing for the acceptance and pickup of empty beverage containers by a distributor, limiting payment requirement on non-refillable beverage containers, and requiring a distributor to accept certain empty beverage containers. Sponsor: Representative Donnie Condit (D).

**HB 3019** states that new landfills that accept nonhazardous industrial solid waste shall not be constructed nor shall such existing landfills that are located within a seismic impact zone be expanded unless the applicant demonstrates that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site. Sponsor: Representative Kevin Calvey (R).

**HB 3145** allows consumers to be allowed to acquire Oklahoma-produced qualified renewable resources from wholesale suppliers to supplement but not totally replace energy provided by their retail electric supplier. Sponsor: Representative Josh Cockroft (R).

**HJR 1039** directs the secretary of state to refer to the people, for their approval or rejection on a ballot, a proposed amendment to the Oklahoma Constitution that prohibits the sale or exportation of surface water or groundwater outside the state until certain conditions are met, and prohibits public agencies, officers and employees from selling or exporting water outside the state until certain conditions are met. Sponsor: Representative Brian Renegar (D).

**SB 1020** is a bill relating to emergency drought conditions that affect burning prohibitions, and modifies agricultural producers' exemptions to burn bans. Sponsor: Senator Don Barrington (R).



**SB 1043** is a bill relating to water and water rights. This bill creates the Regional Water Development Act, promotes the development of regional water projects, authorizes the Oklahoma Water Resources Board to assist development of regional water plans and projects, and promulgate rules. Sponsor: Senator Larry Boggs (R).

**SB 1162** is a bill relating to development of wind energy, modifying certain findings to require protection of public health and safety in location of wind energy facilities, and declaring an emergency. Sponsor: Senator AJ Griffin (R).

**SB 1177** states that a motor vehicle, if operated by an engine fueled wholly or partially by compressed or liquefied natural gas, may exceed the gross vehicle weight limits and any axle weight limits. Sponsor: Senator Bryce Marlatt (R).

**SB 1222** creates the Oklahoma Solar Energy Development Act directing certain public utility providers to allow net metering, requiring compensation for certain produced power, stating rate for compensation, authorizing methods of compensation, authorizing adoption of certain administrative fees, authorizing the Corporation Commission to promulgate rules, and prohibiting certain owner associations from enacting covenants restricting certain solar panel equipment. Sponsor: Senator Ron Sharp (R).

**SB 1485** is a bill relating to nuisances, stating that oil and gas exploration and production activities shall not constitute a nuisance, and prohibits certain nuisance actions against certain oil and gas exploration and production activities within a certain time period. Sponsor: Senator Bryce Marlatt (R).

**SB 1517** is a bill modifying the jurisdiction of the Corporation Commission over the exploration, drilling, development, production or processing of oil and gas on lease sites, and by modifying the authority of the commission to take emergency actions without certain notices or hearings, and declaring emergencies. Sponsor: Senator Bryce Marlatt (R).



## **LEGISLATIVE SESSION: NOT IN SESSION IN 2016**

### **FINAL RULE**

**PESTICIDES.** The Department of Agriculture has adopted amendments to §§7.10, 7.20, 7.21, 7.22, 7.24, 7.127, and 7.135, concerning fees for pesticide licensing and registration. The amendments are necessary to comply with legislative requirements for cost recovery applicable to the pesticide program. Effective date: 1 JAN 16.

**RADIOACTIVE SUBSTANCE RULES.** The Texas Commission on Environmental Quality (TCEQ) adopted changes to Chapter 336, Subchapters A, D, and H, that revise the commission's rules concerning physical protection of radioactive material to ensure compatibility with federal regulations promulgated by the Nuclear Regulatory Commission (NRC). Effective date: 31 DEC 15.

### **PROPOSED RULE**

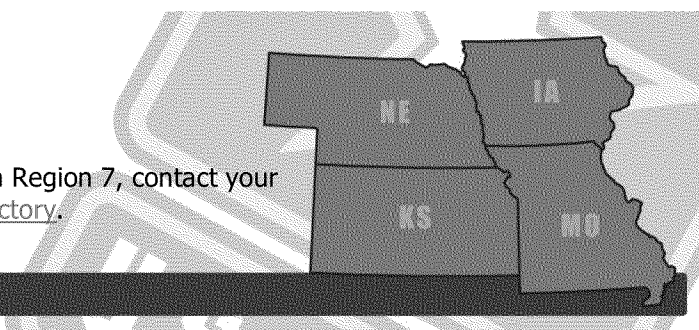
**EXPERIENCE OF CERTIFIED AND INSURED PRESCRIBED BURN MANAGERS** (4 TAC §226.3). The Prescribed Burning Board (PBB) has proposed amendments concerning experience of certified and insured prescribed burn managers. The amendment states that certified and insured prescribed burn managers are required to have three years of experience on a burn team and a minimum of 30 days of prescribed burns, with at least five days as an individual responsible for all aspects of a

prescribed burn. Comments are due 21 FEB 16. POC: [Stuart Strnad](#).

**VOLUME-BASED EXEMPTIONS FOR CERTAIN ACCIDENTAL DISCHARGES.** The TCEQ has proposed rulemaking to amend TAC Texas Water Code (TWC) §327.1 and adopt new TWC §327.32. This rule allows individuals to report certain accidental discharges or spills of treated or untreated wastewater on a monthly basis from wastewater treatment facilities or collection systems owned or operated by a local government. This rule also requires the TCEQ to establish standard methods for calculating the volume of accidental discharges or spills of treated or untreated wastewater, to consider compliance history of the individual, and to establish procedures for formatting and submitting a monthly summary. A hearing is scheduled for 1 MAR 16, and comments are due 7 MAR 16. POC: Macy Beauchamp, (512) 239-0437.

## Region 7

For more information or to comment on any state issues in Region 7, contact your Regional Environmental Coordinator listed in the [Staff Directory](#).



**LEGISLATIVE SESSION: 11 JAN THROUGH 1 MAY 16**

### PROPOSED LEGISLATION

**HB 2086** is an act relating to water supply and disposal, including the construction of disposal and public water supply systems and the implementation of federal wastewater and stormwater regulations. Sponsor: David Maxwell (R).

**SB 2030** is an act relating to solar energy by providing for the establishment of solar interconnection agreements and alternative tariff rates. An electric public utility may enter into interconnection agreements with customers operating distributed generation solar photovoltaic devices. A utility entering into such an agreement may apply to the board for approval of an alternative tariff rate that compensates customers through a billing credit mechanism for the value to the utility, its customers, and society for operating such devices interconnected to the utility system and operated by customers primarily for meeting their own energy needs. Sponsor: Senator Bolkcom.

**SSB 3017** (COMPANION **HSB 539**) requires the installation of carbon monoxide alarms in existing single-family rental units and multiple-unit residential buildings that have a fuel-fired heater or appliance, a fireplace, or an attached garage. Sponsor: Committee on State Government. Sponsor: Senator Jeff Danielson (D).

### FINAL RULE

**APPLICATION FEES FOR CONSTRUCTION AND OPERATION OF AIR POLLUTION EMITTING EQUIPMENT** amends existing rules to establish application fees for construction and operation of air pollution emitting equipment and fees for asbestos notifications.

**RENEWABLE ENERGY TAX CREDITS** amends Iowa Code chapter 476C to expand the list of options for chapter facility ownership to include a municipally owned city utility and a rate-regulated public utility.

## PROPOSED RULE

**NPDES AND OPERATION PERMITS FOR WASTEWATER** The Environmental Protection Commission has proposed rulemaking to amend Chapter 60, "Scope of Title —Definitions—Forms—Rules of Practice"; Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limitations or Prohibitions"; Chapter 63, "Monitoring, Analytical, and Reporting Requirements"; Chapter 64, "Wastewater Construction and Operation Permits"; and Chapter 67, "Standards for the Land Application of Sewage Sludge"; Iowa Administrative Code. The primary purpose of the proposed amendments is to update several portions of the wastewater rules for National Pollutant Discharge Elimination System (NPDES) and Iowa operation permits. Comments are due 19 FEB 16, and a hearing is scheduled for 15 FEB 16. POC: [Courtney Cswercko](#), (515) 725-8411.



## LEGISLATIVE SESSION: 11 JAN THROUGH 30 MAY 16

### PROPOSED LEGISLATION

**HB 2443** establishes a cabinet level office to promote the unmanned aircraft systems industry in Kansas. Sponsor: Representative J. R. Claeys (R).

**HB 2491** (COMPANION **SB 337**) creates a penalty for failure to report annual water use. Any owner of a water right or permit to appropriate water for beneficial use, except for domestic use, who fails to timely file a water use report or other documents shall be subject to a civil penalty. Sponsor: Committee on Agriculture and Natural Resources.

**HB 2516** ensures that each employee or agent of the business entity who will come into contact with asbestos or who will engage in an asbestos project is certified in accordance with all applicable asbestos training provisions required by the United States Department of Labor and the Environmental Protection Agency. Sponsor: Committee on Energy and Environment.

**HB 2535** prohibits knowingly placing household sharps, or other medical household waste containing used or unused sharps, including, but not limited to, hypodermic, intravenous or other medical needles, syringes or other sharps, either separated or mixed with any other material, into a container intended for recyclable material for collection by a residential hauler and processing at a recycling center. Sponsor: Committee on Energy and Environment.

**SB 365** provides a mechanism to allow real property with environmental contamination to be purchased without the purchaser becoming liable for cleanup costs. This act establishes the contaminated property redevelopment fund to help municipalities redevelop contaminated and potentially contaminated properties. This act shall be known and may be cited as the contaminated property redevelopment act. Sponsor: Committee on Commerce.

**SB 384** amending provisions of the nongame and endangered species conservation act, including modifying the definition of critical habitat and related conservation plans. Sponsor: Committee on Ways and Means. **REEO Comment:** This bill will

affect the designation of critical habitat for threatened and endangered species in KS, and could have the effect of putting a larger burden on federal facilities to recover species. REEO-C is attending committee hearings, will continue to monitor, and is coordinating with Fort Riley and other stakeholders.

## PROPOSED RULE

**RISK MANAGEMENT PLANS** (K.A.R. 28-74-1, 28-74-2, 28-74-3, 28-74-4). The Kansas Department of Health and Environment (KDHE) has proposed a new risk management program regulation. The proposed regulation describes the requirements for an appropriate risk management plan. A risk management plan shall demonstrate that the extent of environmental contamination has been determined, remedial actions have been completed as necessary, contaminant concentration trends are stable or declining and are not dependent on the continued operation and maintenance of an active remedial system, and all current complete exposure pathways have been addressed. Comments are due, and a hearing is scheduled for, 6 APR 16. POC: [Maggie Weiser](#), (785) 291-3807.



## LEGISLATIVE SESSION: 6 JAN THROUGH 30 MAY 16

### PROPOSED LEGISLATION

**HB 1935** prohibits watercraft from operating at speeds in excess of slow no-wake speed if the lake elevation of the Lake of the Ozarks is 661 feet or above. Sponsor: Representative Rocky Miller (R).

**HB 1980** allows the Missouri Air Conservation Commission to enact rules and regulations stricter than those required by the Clean Air Act with earlier compliance deadlines if the commission determines that the stricter standards and guidelines would provide substantial additional economic, employment, or environmental benefits beyond the benefits that would have resulted from the minimal compliance. Sponsor: Representative Tracy McCreery (D).

**HB 2087** specifies that a qualified company under the Missouri Works Program includes the United States Department of Defense under certain circumstances. Missouri Works Program facilitates the creation of quality jobs by targeted business projects. Sponsor: Representative Steve Lynch (R).

**HB 2152** establishes the Homeowners' Solar Rights Act that prohibits entities from restricting the installation of solar energy systems. Sponsor: Representative Margo McNeil (D).

**HB 2231** establishes the Missouri Qualified Fuel Solid Biomass Producer Incentive Fund to provide economic subsidies to Missouri qualified solid biomass fuel producers. Sponsor: Representative Jay Houghton (R).

**HCR 69** encourages the attorney general to take all necessary legal actions regarding EPA's final Clean Power Plan to prevent unlawful obligations being imposed on states and others. Sponsor: Representative Rocky Miller (R).

**HCR 71** requests the United States Congress to transfer authority for the remediation of the West Lake Landfill radioactive waste from the EPA to the Corps of Engineers Formerly Utilized Sites Remedial Action Program. Sponsor: Representative Keith English (D).



**HCR 71** urges the federal government to establish and develop a site for the permanent siting and development of a federal nuclear waste repository. Sponsor: Representative Travis Fitzwater (R).

**SB 322** creates an application requirement and fee to appropriate surface water that otherwise leaves the state. Sponsor: Committee on Ways and Means.

**SB 669** transfers money from certain funds administered by the Department of Natural Resources to the general revenue fund. Sponsor: Senator Dan Brown (R). **REEO Comment:** This bill will require many fees and other moneys previously paid to approximately 20 specified state environmental funds(e.g., air permits, water permits, and solid & hazardous waste fees) to be credited to the general fund.

**SB 824** creates the Energy Efficiency Competitive Resource Acquisition Act. Under this act, if an electrical corporation projects that they will need to acquire or construct a new supplyside resource to meet future maximum demand, one-third of the energy and capacity that the electrical corporation projects that they will need in order to meet such demand shall be met by implementing cost effective demand -side resources and energy efficiency projects, including equipment upgrades, advanced energy analytics technology, and energy management systems, and customersited renewable energy resources. Sponsor: Senator Dave Schatz (R).

## FINAL RULE

**ASBESTOS PROJECTS - CERTIFICATION, ACCREDITATION AND BUSINESS EXEMPTION.** The Air Conservation Commission has adopted amendments to 10 CSR 10 -6.250, Asbestos Projects - Certification, Accreditation and Business Exemption Requirements. This rule requires individuals who work on asbestos projects to be certified by the Missouri Department of Natural Resources' Air Pollution Control Program; requires training providers who offer training for asbestos occupations to be accredited by the Missouri Department of Natural Resources' Air Pollution Control Program; and requires persons who hold exemption status from certain requirements of this rule to allow the department to monitor training provided to employees. Effective date: 3 FEB 16.

**ASBESTOS PROJECTS - REGISTRATION, ABATEMENT AND NOTIFICATION.** This rule requires asbestos contractors to register with the department, to notify the department of each asbestos project, to allow the department to inspect asbestos projects, and to pay inspection fees. Each person who intends to perform asbestos projects in Missouri must register annually with the Missouri Department of Natural Resources' Air Pollution Control Program. Effective date: 3 FEB 16.

## PROPOSED RULE

**CONTROL OF NOX EMISSIONS FROM LARGE STATIONARY INTERNAL COMBUSTION ENGINES** (10 CSR 10 -6.390). A proposed rulemaking is expected to be filed with the secretary of state's office by 15 MAR 16, for publication in the April 15 APR 16 Missouri Register. [Comments](#) can be made now, or during the proposed rulemaking open comment period and public hearing (forthcoming).

**RESTRICTION OF EMISSION OF VISIBLE AIR CONTAMINANTS** (10 CSR 10 -6.220). After consideration of received [comments](#) on a preliminary rule draft, a proposed rulemaking is expected to be filed in the winter of 2015. Additional comments can be made during the proposed rulemaking open comment period and public hearing (forthcoming).



## LEGISLATIVE SESSION: 6 JAN THROUGH 14 APR 16

### PROPOSED LEGISLATION

**LB 19** amends the Nebraska Safe Drinking Water Act by changing provisions relating to the certification of laboratories and repealing the original section. Sponsor: Senator Bob Krist (I).

**LB 28** requires that beginning 1 JAN 18, new construction in Nebraska shall include radon resistant new construction. The Department of Health and Human Services shall adopt and promulgate rules and regulations that establish the minimum standards for radon resistant new construction that must be met. Sponsor: Senator Bob Krist (I).

**LB 117** changes provisions relating to energy financing contracts between energy service companies and governmental units. This includes that prior to entering into an energy financing contract, a governmental unit shall obtain a written opinion from a professional engineer licensed in the state of Nebraska whose interests are independent from any proposing energy service company and from the financial or energy savings outcome of the contract. The opinion shall contain a review of recommendations proposed by an energy service company pertaining to energy conservation measures designed to reduce energy consumption to the governmental unit. Sponsor: Senator Ken Haar (I).

**LB 174** redefines nonpoint source control systems under the Wastewater Treatment Facilities Construction Assistance Act. Nonpoint source control systems means projects that establish the use of methods, measures, or practices to control the pollution of surface waters and groundwater that occurs as pollutants are transported by water from diffuse or scattered sources. Such projects include, but are not limited to, structural and nonstructural controls and operation and maintenance procedures applied before, during, and after pollution-producing activities. Sponsor: Senator Ken Schilz (I).

**LB 208** provides an exemption to water storage reservoir permit requirements. This applies to persons intending to construct and operate a storage reservoir for irrigation or any other beneficial purpose or intending to construct and operate a facility for intentional underground water storage and recovery. Sponsor: Senator Ken Schilz (I).

**LB 328** requires that all siting, layout, construction, closure, reconstruction, alteration, modification, repair, inspection, or pumping of any private onsite wastewater treatment system be done by certified professionals, professional engineers licensed in Nebraska, or environmental health specialists registered in Nebraska in accordance with the act and rules and regulations adopted under the act. Sponsor: Senator Ken Schilz (I).

**LB 423** changes a renewable energy tax credit procedure. Before any electric generation facilities or any transmission lines or related facilities carrying more than 700 volts are constructed or acquired by any supplier, an application filed containing such information as the state Electrical Board shall prescribe, shall be approved by the board, except where such approval shall not be required. Sponsor: Senator Jeremiah Nordquist (I).

**LB 583** requires the State Energy Office to develop and adopt an integrated state energy plan, and review such plan periodically as the office deems necessary. The office may organize technical and working committees of individuals representing public and nonpublic entities with expertise in energy development and responsibilities to Nebraska residents as consumers of energy to assist in the creation and subsequent updates of the plan. Sponsor: Senator Ken Schilz (I).

**LB 711** modifies the Noxious Weed Control Act to change provisions relating to grants for certain vegetation management programs, to create the Riparian Vegetation Management Task Force, and to require an annual report. Sponsor: Senator Dan Hughes (D).

**LB 712** changes several provisions relating to the regulation of aboveground motor vehicle fuel storage tanks, including provisions relating to the storage of hazardous substances. Sponsor: Senator Dan Hughes (D).

**LB 714** changes provisions relating to sufficient cause for nonuse of a water appropriation. The appropriation is temporarily transferred to a natural resources district or other competent authority for the purpose of depletion offsets, aquifer recharge, stream augmentation, or maintenance of in-stream flows. Sponsor: Senator John Stinner (D).

**LB 802** creates the Health and Climate Resiliency Task Force. The Health and Climate Resiliency Task Force shall create a strategic plan for the state of Nebraska related to the impacts of climate change on the health and wellbeing of Nebraskans. Sponsor: Senator Ken Haar (I).

**LB 806** adopts the Riverfront Development District Act. The purpose of the Riverfront Development District Act is to provide a means by which cities may effectively fund, manage, promote, and develop riverfronts within their corporate limits. Sponsor: Senator Heath Mello (I).

**LB 824** exempts privately developed renewable energy generation facilities from certain regulation. No power of eminent domain conferred by this section shall apply to any property owned, used, or operated by, or useful for the operation of, or generation, transmission, or distribution of electricity by certain facilities. Sponsor: Senator John McCollister (D).

**LB 863** creates the Wind Energy Expansion Act. The Legislature finds and declares that wind energy production has a growing role in the economic vitality of rural areas of the state and in the state's overall economy. The growth and vitality of the state's wind energy production is important to the continued prosperity of the state and its citizens. The Legislature further finds and declares that a public interest exists in assisting efforts of the wind energy industry and rural communities to preserve and enhance wind energy production as an essential element of economic development and that a need exists to provide aid, resources, and assistance to rural communities and counties seeking opportunities in the growth of wind energy production. It is the intent of the Legislature to seek reasonable means to nurture and support wind energy production in this state. Sponsor: Senator Ken Schilz (I).

**LB 899** changes the lead content provisions of the Nebraska Safe Drinking Water Act. The director may adopt and promulgate rules and regulations regarding the use of lead-free materials in public water systems in compliance with standards established in accordance with 42 U.S.C. 300g. Sponsor: Senator Roy Baker (D).

**LB 929** updates references to federal regulations regarding motor vehicles and motor carriers relating to low-speed vehicles, handicapped or disabled parking permits, the International Registration Plan, operators' licenses, persons handling source documents, hazardous materials, motor carrier regulations and their enforcement, and the unified carrier registration plan and agreement. Sponsor: Senator Lydia N. Brasch (I).

**LB 1012** adopts the Property Assessed Clean Energy Act, which creates energy assessment districts and outlines energy efficiency improvements through any acquisition, installation, or modification benefiting publicly or privately owned property that is designed to reduce the electric, gas, water, or other utility consumption or to promote the efficient and effective management of natural resources or stormwater, etc.

# Department of Defense Activity

**CLIMATE CHANGE** The Hon. Katherine Hammack, Assistant Secretary of the Army for Installations, Energy and Environment writes in a February post on the U.S. Army homepage of the Army's urgent need to respond to effects of climate change.

"From the Pope to the President to Paris, there is a growing national and international discussion about the causes of climate change and what actions, if any, should be taken by policymakers," she writes. "The U.S. Army, however, does not have the luxury of engaging in this debate -- instead, we must respond to the effects of climate change that are already affecting our mission."

Ms. Hammack adds that loss or restriction on the use of training lands attributed to climate factors incurs real costs in terms of time, money, and resources. She also writes that nearly half of the cost of major construction projects in the Army's fiscal year 2016 military construction budget addresses risk and damage associated with a changing climate.

The complete story is located [here](#).

**EXECUTIVE ORDER 13653 - PREPARING THE UNITED STATES FOR THE IMPACTS OF CLIMATE CHANGE** DOD (Under Secretary of Defense for Acquisition, Technology, and Logistics) has issued [DOD Directive 4715.21 - Climate Change Adaptation and Resilience](#). The policy section states the DOD must be able to adapt current and future operations to address the impacts of climate change in order to maintain an effective and efficient U.S. military. Mission planning and execution must include:

- Identification and assessment of the effects of climate change on the DOD mission;
- Taking those effects into consideration when developing plans and implementing procedures; and
- Anticipating and managing any risks that develop as a result of climate change to build resilience.

**CHEMICAL AGENT SECURITY** DOD has reissued Department of Defense Instruction (DODI) [5210.65](#), Security Standards for Safeguarding Chemical Agents. The DODI, effective 19 JAN 16, establishes policy, assigns responsibilities, and provides procedures for execution of the DOD Chemical Agent Security Program and the physical security, information security, and personnel reliability for Schedule 1 chemicals (i.e., chemical agents) in the possession of the DOD. The DODI applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DOD Field Activities, and all other organizational entities within the DOD that possess chemical agents used for research, medical, pharmaceutical, training, or protective purposes. It does not apply to recovered chemical warfare materiel or chemical agent samples, wastes, or material recovered from former destruction, storage, or production facilities.

**MICHAEL F. MCGHEE TO LEAD DOD'S OFFICE OF ENERGY INITIATIVES' RENEWABLE ENERGY EFFORTS** The Assistant Secretary of the Army for Installations, Energy and Environment, the Hon. Katherine Hammack, [announced](#) Mr. Michael McGhee as the new executive director of the U.S. Army Office of Energy Initiatives ( [OEI](#)). McGhee previously served as the Acting Deputy Assistant Secretary (DAS) of the Air Force for Energy, Environment, Safety and Occupational Health (EESOH) for two years and was the Principal Director for Policy to the DAS-EESOH in the Pentagon for the past 10 years.

**STRATEGIC SUSTAINABILITY PERFORMANCE PLAN** DOD released the [FY 2015 UPDATE](#) to its Strategic Sustainability Performance Plan, which was first released in [2010](#). The update establishes the path by which DOD will advance its mission by ensuring the longevity of critical resources; minimizing long-term costs; addressing environmental, safety, and occupational health considerations; and advancing technologies and practices that further the department's sustainability goals through 2025 and beyond.



**DOD NET ZERO PROGRAM EVALUATION** The Government Accountability Office (GAO) evaluated the DOD's Net Zero efforts and issued a report ([GAO-16-153R](#)). GAO found that DOD has not established an integrated net zero strategy or policy for achieving net zero. DOD officials stated that DOD has not established an integrated strategy because until recently there had been no statutory goals regarding net zero. As of September 2015, officials stated that DOD is working on implementation guidance to address the net zero goals included in [Executive Order 13693](#), Planning for Federal Sustainability in the Next Decade, issued 19 MAR 15, and it expects to issue the guidance in 2016. According to the GAO report, DOD officials say no military department has established net zero as a funded program. Instead, the services have established broad net zero goals or initiatives, such as the Army net zero program. Army officials described the Army's net zero efforts, in part, as an awareness campaign intended to generate interest in conservation and sustainability at the installation level.

GAO also found that DOD has not fully identified potential costs of implementing net zero initiatives, although it has conducted some studies to establish baselines and assess feasibility and costs. Service officials told GAO they believe that fully achieving net zero is unrealistic and ultimately cost prohibitive. However, they also stated that net zero can help generate interest in conservation and sustainability and that successful sustainability and conservation projects help support net zero goals. The National Defense Authorization Act (NDAA) for Fiscal Year 2016 required GAO to review DOD progress and savings from net zero initiatives.

**FOOD WASTE COMPOSTING PILOT STUDY** The U.S. Army Corps of Engineers (USACE) Engineer Research and Development Center (ERDC) conducted a pilot study of food waste composting at an Army installation. The objectives of the study were to:

- Investigate organic waste treatment technologies to identify those most appropriate to an Army installation setting;
- Select the organic waste treatment technology best suited to Fort Leonard Wood, Mo.; and
- Demonstrate food waste composting at the installation and formulate "lessons learned" for application of organic waste composting at other sites.

Nationally, less than three percent of food waste is composted. Most Army installations have landscape waste collection and recycling capabilities or contractual arrangements with nearby recyclers so very little landscape waste is actually landfilled or incinerated, but is instead composted to provide valuable soil amendments and fertilizers. The pilot study evaluated issues associated with adding food waste to landscape waste composting efforts. Although the demonstration focused specifically on wastes generated at Fort Leonard Wood, Mo., the results are broadly applicable to organic waste composting at DOD installations worldwide. Click [here](#) to view the report.

**REPI WEBINAR SERIES** DOD's Readiness and Environmental Protection Integration (REPI) program [announced](#) a series of webinars scheduled for 2016. Information on the webinar series is detailed in the Professional Development section of this publication.

## Federal Activity

### AIR

**INTEGRATED SCIENCE ASSESSMENT FOR NITROGEN OXIDES: HEALTH CRITERIA** The Environmental Protection Agency (EPA) released the final [Integrated Science Assessment for Oxides of Nitrogen-Health Criteria \(81 FR 4910\)](#). The document was prepared as part of the review of the primary (health-based) national ambient air quality standards (NAAQS) for nitrogen dioxide (NO<sub>2</sub>). The agency is developing a separate assessment and conducting a separate review for the secondary

(welfare-based) NAAQS for NO<sub>2</sub>, in conjunction with a review of the secondary NAAQS for sulfur dioxide (SO<sub>2</sub>). For more information, click [here](#).

## CLIMATE CHANGE

**GHG REPORTING RULE** The EPA is proposing amendments to the Greenhouse Gas (GHG) Reporting rule ([81 FR 2535](#)). The amendments are intended to streamline and improve rule implementation, improve the quality and consistency of data collected under the rule, and clarify or provide minor updates to certain provisions that have been the subject of questions from reporting entities. Comments are due 29 FEB 16.

**HIGH GLOBAL WARMING POTENTIAL HYDROFLUOROCARBONS - INVENTORY TRACKING** To implement executive branch policy in the President's Climate Action Plan to procure, when feasible, alternatives to high GWP HFCs a proposed rule published 11 MAY 15 would modify Federal Acquisition Regulation (FAR) provision 52.223 -11, Ozone- Depleting Substances, and 52.223-12, Refrigeration Equipment and Air Conditioners, to address high global warming potential (GWP) hydrofluorocarbons (HFCs) ([80 FR 81328](#)).

## CULTURAL RESOURCES

**NATIVE AMERICAN POLICY** The Fish and Wildlife Service (FWS) issued a new [Native American Policy](#), which replaces the 1994 policy ([81 FR 4638](#)). The purpose of the policy is to carry out the United States' trust responsibility to Indian tribes by establishing a framework on which to base FWS continued interactions with federally recognized tribes and Alaska Native Corporations. The policy recognizes the sovereignty of federally recognized tribes; states that the service will work on a government-to-government basis with tribal governments; and includes guidance on co-management, access to and use of cultural resources, capacity development, law enforcement, and education. The final policy was effective 20 JAN 16.

## ENERGY

**SUPREME COURT VALIDATES DEMAND RESPONSE ENERGY MARKET** In the case, [FERC v. Electric Power Supply Association](#), the Supreme Court determined in January that demand response can participate in wholesale electricity markets, based on rules structured by the Federal Energy Regulatory Commission (FERC). Demand response is a loosely defined term that describes any way of deploying timely reductions in energy demand in response to changing grid conditions. In unregulated energy markets, companies that organize these reductions are called "demand response aggregators." They are like power generators, only they sell not power, or "negawatts". The **RULING** is expected to give demand response — a way of coordinating people to not use energy at certain times— a huge boost, which in turn is expected to reduce carbon emissions and the price of electricity. For more information, click [here](#) or [here](#).

**AUTOMOTIVE ALTERNATIVE FUEL RATINGS, CERTIFICATION, AND DISPENSER LABELING** The Federal Trade Commission (FTC) issued a final rule adopting rating, certification, and labeling requirements for certain ethanol/gasoline blends ([81 FR 2053](#)). The amendments require that entities rate all ethanol fuels to provide useful information to consumers about ethanol concentration and suitability for their cars and engines. Retailers must post such information on fuel dispensers. The final rule, effective 14 JUL 16, specifies exact fuel dispenser label requirements, dependent on the amount of ethanol present in the fuel being dispensed.

**ENERGY AND WATER EFFICIENCY PROGRAMS - COVERED CATEGORIES LISTING** Department of Energy (DOE) has posted a consolidated listing of product categories covered by Energy Star efficiency, green electronics, low standby power, and WaterSense requirements.

**REFRIGERATED BEVERAGE VENDING MACHINES - ENERGY CONSERVATION STANDARDS** DOE has issued a final rule amending the energy conservation standards for Class A and Class B beverage vending machines ([81 FR 1027](#)). The new standards

will increase efficiency by 16 percent averaged between the various classes of vending machines. DOE is amending the definition of combination vending machine, is defining two new classes of combination vending machines, Combination A and Combination B, and is promulgating standards for those new classes. DOE is also amending the definition for Class A equipment to more unambiguously differentiate Class A and Class B beverage vending machines. Compliance by manufacturers is required on and after 8 JAN 19.

**COMMERCIAL PACKAGE AIR CONDITIONING AND HEATING EQUIPMENT AND WARM AIR FURNACES** DOE has formally issued the final rule addressing energy conservation standards for commercial package air conditioning and heating equipment and commercial warm air furnaces ( [81 FR 2419](#)). DOE also refers to the "air -cooled commercial package air conditioning and heating" group of equipment as air -cooled commercial unitary air conditioners and heat pumps (CUAC and CUHP). DOE estimates a national average savings of 24 percent relative to the energy use of these products in the no -new-standards case for CUAC and CUHP equipment purchased in 2018-2048 time range.

## HAZARDOUS MATERIALS

**SAFE TRANSPORTATION OF BULK EXPLOSIVES** Department of Transportation is amending the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for commercial blasting operations ( [80 FR 79423](#)).

## NATURAL RESOURCES

**NATIONAL COASTAL CONDITION ASSESSMENT 2010** EPA issued the final National Coastal Condition Assessment (NCCA) 2010. The assessment describes the results of a nationwide coastal probabilistic survey that was conducted in the summer of 2010 by EPA and its state, tribal, and federal partners. Results include estimates of coastal area with good, fair, and poor biological quality, water quality, sediment quality, and ecological fish tissue quality. Results are presented nationally and regionally for the Northeast, Southeast, Gulf of Mexico, West, and Great Lakes coasts. The NCCA 2010 also includes information on how the survey was implemented, and future actions and challenges. The report contains findings in the following areas: Biological and Sediment, Water Quality, Ecological Fish Tissue, Change in Conditions, and Great Lakes Fish Tissue.

## PESTICIDES

**IMIDACLOPRID: DRAFT POLLINATOR ECOLOGICAL RISK ASSESSMENT** EPA announced the availability of its draft pollinator -only ecological risk assessment for the registration review of the neonicotinoid pesticide imidacloprid ( **81 FR 2212**). As part of the registration review process, the agency completed a comprehensive draft pollinator -only ecological risk assessment for all registered agricultural uses of imidacloprid, with focus on agricultural crops that are attractive to pollinators. Comments are due 15 MAR 16.

## TOXICS

**2014 TOXIC RELEASE INVENTORY** EPA posted the [2014 Toxic Release Inventory \(TRI\) Data](#) online. The data show a six percent decrease in total disposal or other releases to the environment from 2013 to 2014. Air releases from industrial facilities decreased by 4 percent during this period, mainly due to decreases from chemical manufacturing facilities and electric utilities. To view a press release about the inventory report, click [here](#). EPA's TRI website is available [here](#).

**DRAFT GUIDELINES FOR HUMAN EXPOSURE ASSESSMENT** EPA announced a 45-day public comment period for the external review draft of the [Guidelines for Human Exposure Assessment](#) ( [81 FR 774](#)). The current guidance document for human exposure assessment was published in 1992, reflecting the state -of-the-science in the 1970s and 1980s. Since its publication, the field of exposure science has undergone significant transformation in methods and approaches. EPA

programs have incorporated many of these advances into their policies and practices. The exposure guidelines are being revised and updated to reflect these changes. The agency is seeking public comment on the draft exposure guidelines prior to external peer review. Comments are due 22 FEB 16.

**LEAD PAINT TEST KITS** EPA is requesting comment on lead test kits and other field testing options to determine the absence of lead-based paint by virtue of a negative result ( [80 FR 79335](#) ). The 2008 Lead Renovation, Repair, and Painting rule (RRP) established negative response and positive response criteria for lead test kits recognized by EPA. No lead test kit has been developed that meets the positive response criterion.

**SELECT AGENTS AND TOXINS - BIENNIAL REVIEW OF LISTS** The Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) released a proposed rule to amend and republish the list of select agents and toxins that have the potential to pose a severe threat to animal or plant health or animal or plant products ( [81 FR 2762](#) ). APHIS proposes to delete five agents, to add additional biocontainment and biosafety language, and add definitions for inactivation and kill curve. **SEPARATELY**, the Health and Human Services, Centers for Disease Control and Prevention also proposes to [add definitions](#) for inactivation and kill curve, and to delete six agents from the list of agents that pose a threat to public health and safety. Some agents overlap between the two lists. In the proposed language, select agents can include waste generated during the delivery of patient care of a patient infected with a select agent.

**FOOD WRAPPER CHEMICALS BANNED** The Food and Drug Administration (FDA) will no longer allow three specific perfluoroalkyl ethyl substances on food wrap [pers \(81 FR 5\)](#) . The rulemaking was in response to a petition. The rule is effective 4 JAN 16. Objections were due 3 FEB 16.

## T&E SPECIES

**NORTHERN LONG-EARED BAT CONSERVATION** The Fish and Wildlife Service has issued a final rule that "provides measures that are necessary and advisable to provide for the conservation of the northern long -eared bat." ( [81 FR 1900](#) ). The rule prohibits purposeful take of northern long -eared bats throughout the species' range, except in instances of removal of northern long-eared bats from human structures, defense of human life (including public health monitoring), removal of hazardous trees for protection of human life and property, and authorized capture and handling of northern long -eared bats by individuals by permit.

**ALL SALAMANDERS ADDED TO LIST OF INJURIOUS AMPHIBIANS** FWS issued an interim rule adding all 201 species of salamanders to the list of injurious amphibians ( [81 FR 1534](#) ). With this interim rule, both importation into the United States and interstate transportation between states, the District of Columbia, the commonwealth of Puerto Rico, or any territory or possession of the United States of any live or dead specimen, including parts, of the 20 genera of salamanders are prohibited, except by permit. The rule is intended to protect against the establishment and spread of the chytrid fungus [Batrachochytrium salamandrivorans](#) into ecosystems of the United States. The interim rule was effective 28 JAN 16. Comments are due 14 MAR 16.

**STATUS REVIEWS FOR 11 SPECIES** In response to petitions to list, reclassify, or delist certain species, FWS announced it will conduct status reviews for 11 species ( [81 FR 1368](#) ). The species under review are the [four species of skink](#) in the Virgin Islands (Greater St. Croix skink, Lesser St. Croix skink, Greater Virgin Islands skink, and Virgin Islands bronze skink); [three species of skink](#) from Puerto Rico (Culebra skink, Puerto Rican skink, and Mona skink); [Great Basin silverspot butterfly](#) in New Mexico; [Narrow-foot diving beetle](#) in Wyoming; [Scotts beetle](#) in Kansas; and [Northern Rockies population of fisher](#) found in portions of Idaho, Montana, and Wyoming. Comments are due 14 MAR 16.



## WASTE

**CONSENT-BASED SITING OF NUCLEAR WASTE STORAGE AND DISPOSAL FACILITIES** DOE held a public meeting in January to discuss next steps toward implementing a consent-based siting process for nuclear waste storage and disposal facilities ([81 FR 1408](#)). In a consent-based siting approach, DOE will work with communities, tribal governments, and states across the country that express interest in hosting any of the facilities identified as part of an integrated waste management system. For more information, click [here](#).

## WATER

**OBAMA VETOES RESOLUTION SEEKING TO OVERTURN CLEAN WATER RULE** President Obama vetoed a congressional resolution that would have overturned the EPA/USACE Clean Water Rule (definition of Waters of the United States). For more information, click [here](#). To view the President's veto message, click [here](#).

**PUBLIC-PRIVATE INNOVATION STRATEGY TO BUILD A SUSTAINABLE WATER FUTURE** The Obama Administration [announced](#) a new public-private water innovation strategy. This strategy includes an aggressive two-part approach led by federal agencies to address the impacts of climate change on the use and supply of the nation's water resources and calls on private sector and other stakeholder groups to help significantly scale up research and investment in water efficiency solutions. The administration's new water innovation strategy calls for:

- Boosting water sustainability and long-term water security by increasing use of water-efficient and -reuse technologies; and
- Promoting and investing in breakthrough research and development (R&D) that will reduce the price, energy costs, and emissions requirements of new water supply technology to achieve "pipe parity" in the next decade.

To kick-start the strategy, the administration:

- Released a [new report](#) that lays out the water innovation strategy in greater detail and proposes strategies for addressing challenges in the decades ahead;
- Hosted a roundtable on water innovation to engage with industry and public leaders to start building broader consensus on a path forward;
- Called for commitments from private sector and stakeholder groups to advance innovation and technology for potential solutions to increase water supply;
- Launched a new [Center for Natural Resources Investment](#) at the Department of the Interior; and
- Launched a [new tool](#) at the Department of the Interior to shed light on the ongoing drought in the Colorado River basin.

**NPDES MUNICIPAL SEPARATE STORM SEWER SYSTEM GENERAL PERMIT REMAND** EPA is proposing changes to the regulations governing small municipal separate storm sewer system (MS4) permits ([81 FR 415](#)). The court determined that the regulations for providing coverage under small MS4 general permits did not provide for adequate public notice. Additionally, the court found that EPA failed to require permitting authority review of the best management practices (BMPs) to be used at a particular MS4 to ensure that the small MS4 permittee reduces pollutants in the discharge from their systems to the "maximum extent practicable" (MEP) as required by the Clean Water Act. EPA's proposal would revise the small MS4 regulations to ensure that the permitting authority determines the adequacy of BMPs and other requirements and provides public notice and the opportunity to request a public hearing on the requirements for each MS4. The proposal would not establish any new substantive requirements for small MS4s.

**PESTICIDE GENERAL PERMIT** All 10 EPA regions are requesting public comment on the draft Pesticide General Permit (PGP) ([81 FR 4289](#)). The draft 2016 PGP covers point source discharges from the application of pesticides to waters of the United States. Once finalized, the draft 2016 PGP will replace the existing permit that expires 31 OCT 16. The draft 2016 PGP has

the same conditions and requirements as the 2011 PGP. EPA is proposing to issue this permit in all areas of the country where EPA is the permitting authority. For more information, click [HERE](#). Comments are due 11 MAR 16.

**NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN** EPA is proposing revisions to the [National Oil and Hazardous Substances Pollution Contingency Plan \(81 FR 3982\)](#). The revisions align the National Oil and Hazardous Substances Pollution Contingency Plan with the Department of Homeland Security's [National Response Framework](#) and [National Incident Management System](#). The revisions also update the descriptions of federal agency organizational structures and capabilities and how they operate and recognize the establishment of the Department of Homeland Security. Comments are due 25 MAR 16.

**DRINKING WATER CONTAMINANT MONITORING DETERMINATIONS** EPA determined it will not issue national primary drinking water regulations for four of the 116 contaminants listed on the [Third Contaminant Candidate List \(81 FR 13\)](#). The agency determined it will not regulate dimethoate, 1,3 -dinitrobenzene, terbufos, and terbufos sulfone. However, the agency is delaying its final determination on whether to list strontium. The Safe Drinking Water Act (SDWA) requires EPA to make regulatory determinations every five years on whether or not to begin the process to propose and promulgate a national primary drinking water regulation for at least five unregulated contaminants.

# Professional Development

**MISSOURI AIR SEMINAR**, 2 MAR 16, Columbia, MO. This one-day Air Seminar will provide you with information on new Missouri regulatory and legislative developments.

11 FEB 16. [CHROMATE/HAZARDOUS MATERIAL FREE COATING SYSTEMS FOR MILITARY AIRCRAFT AND GROUND SUPPORT EQUIPMENT](#) Learn about multi-service efforts to replace chromatecoatings with chromate/hazardous material free coatings. The results of a [project](#) to test chromate free coatings and application systems on DOD equipment will be presented, along with an overview of Air Force efforts to replace chromate containing corrosion protection systems. The webinar will be available online after the presentation is conducted.

## DOD TRAINING SOURCES

**REPI WEBINAR SERIES** DOD's Readiness and Environmental Protection Integration (REPI) program [announced](#) a series of webinars scheduled for 2016. All webinars start at 1:00 p.m. eastern, unless otherwise noted. For detailed webinar descriptions and connection instructions, including links to past webinars, visit [www.REPI.mil](http://www.REPI.mil).

**24 FEB** [NATIONAL FISH AND WILDLIFE FOUNDATION PROGRAMS](#) Provides an overview of the National Fish and Wildlife Foundation's programs and funding opportunities nationwide, including highlights of military installations that have used foundation funding and services to support their encroachment mitigation efforts.

**16 MAR** [THE FULL SUITE: THE REPI TOOLBOX](#) Learn about the full suite of tools offered through the REPI Program, beyond funding and guidance for buffer partnerships.

**20 APR** [ANNUAL REPI HELP SESSION FOR FY17](#) Learn about changes to the REPI process for FY 2017, highlighting successful buffer proposal write-ups, and answering questions about REPI policy guidelines and changes involving the new online proposal system.

**25 MAY** HOW TO DEVELOP YOUR SENTINEL LANDSCAPES Learn about efforts to define and develop Sentinel Landscapes and how that feeds into requirements for REPI buffers and other encroachment management tools.

**20 JUL** THINKING OUTSIDE THE BASE: OFF-INSTALLATION SOLUTIONS TO ENVIRONMENTAL REGULATORY ISSUES Learn about opportunities for regional crediting schemes and other options for DOD installations to address ESA and other species and habitat-related issues through innovative off-installation practices, while highlighting DOD's efforts at updating its Natural Resources Program strategy.

**21 SEP** STATE POLICIES AND ENCROACHMENT PROTECTION EFFORTS Learn about the various tools, policies, and authorities states provide in support of encroachment management and mission sustainability.

**7 DEC** ENVIRONMENTAL LAW INSTITUTE BRIEF: SENTINEL LANDSCAPES PARTNERSHIP AUTHORITIES AND OPPORTUNITIES The Environmental Law Institute has analyzed ways to enhance Sentinel Landscape Partnership implementation and will brief on the opportunities and roadblocks presented by the various partner agencies' authorities and programs.

**US ARMY CORPS OF ENGINEERS (USACE) PROSPECT TRAINING** USACE announces course availability for the FY16 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the course catalog and list of classes and schedule for details. Environmental courses include, but are not limited to:

- Environmental Regulations Practical Application Course (Course Control Number (CCN) 398)
- CERCLA/RCRA Process (CCN 356)
- Hazardous Waste Manifesting & DOT Certification (CCN 223)
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429)
- Radioactive Waste Transport (CCN 441)
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Environmental Remediation Technologies (CCN 395)
- Environmental Laws and Regulations (CCN 170)

**NAVY AND ISEERB ENVIRONMENTAL TRAINING** The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule is available. Course topics include environmental overview and management, law planning and sustainability, pollution prevention, restoration, conservation, supplemental and Internet/computerbased training, and more.

**AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING** The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

**DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS** The Army offers numerous environmental training courses (classroom and online). Explore training opportunities on the U.S. Army Environmental Command website, which has links to training provided by DOD organizations.

## FEDERAL TRAINING SOURCES

**FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER** FedCenter.gov is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information in the following areas:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;

- Regulatory Watch for information on new or changed laws or regulations;
- P2 opportunities and best management practices;
- EPA enforcement notices;
- Links to state environmental programs;
- Access to [environmental assistance](#);
- Access to free, FedCenter-sponsored courses:
  1. [Environmental Compliance for Federal Laboratories](#) (FedCenter membership required);
  2. [Environmental Management Systems](#) (FedCenter membership required);
  3. [Underground Storage Tanks](#) (FedCenter membership required);
- Environmental [conferences](#), meetings, [training](#), and workshop information;
- Applicable laws and Executive Orders; and
- Industry sector-specific newsletters.

FedCenter also provides member assistance services such as:

- Collaboration tools for workgroups,
- Environmental reporting tools, and
- Daily newsletter and subscription services.

## ONLINE TRAINING: SCHEDULED EVENTS

**SERDP AND ESTCP WEBINAR SERIES** The DOD environmental research and development funding programs ([SERDP and ESTCP](#)) launched a [webinar series](#) to promote the transfer of innovative, cost-effective and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars feature two 30 -minute presentations and interactive question and answer sessions on topics targeted for DOD and DOE audiences. Prior presentations are archived for viewing any time.

**FEMP eTRAINING COURSES** The Federal Energy Management Program (FEMP) offers interactive, online eTraining courses to help federal agencies develop core competencies and comply with energy -efficiency and renewable -energy water -management and sustainability requirements. FEMP is p artnering with the National Institute of Building Sciences' Whole Building Design Guide (WBDG) to host these comprehensive, FEMPdveloped eTraining courses. [Promotional materials](#) are available to help federal agencies encourage the completion of FEMP's eTraining courses. For more information about FEMP eTraining courses, contact [Beverly Dyer](#), (202) 586-7753.

**ENERGY STAR WEBCASTS** Energy Star is a EPA voluntary program that helps businesses and individuals save money and protect our climate through superior energy efficiency.

**CLEAN AIR ACT GENERAL CONFORMITY TRAINING MODULES** The General Conformity Rule ensures that the actions taken by federal agencies in nonattainment and maintenance areas do not interfere with a state's plans to meet national standards for air quality. The training from EPA covers all aspects of the rule and is divided into four modules:

- The Basics, for top agency managers and the general public: [Module I](#) provides an overview of the program purpose, regulation content, program design, legal requirements, and relationship to other environmental programs.
- The Key Concepts, for program managers and others who need a working knowledge of the program: [Module II](#) provides information on determining applicability of regulations to federal actions, requirements for determining conformity, and the review process for a determination.
- All The Details, for individuals responsible for preparing the determination: [Module III](#) contains detailed information on evaluating conformity including emission calculations, requirements for associated programs and special situations.



- State and tribal requirements and responsibilities, for state, tribal, and local air quality managers: [Module IV](#) provides information on state and tribal requirements and responsibilities in evaluation of conformity for federal actions.

**WATER MANAGEMENT BASICS** This FEMP course provides a concise introduction to comprehensive water management, to include key topic areas of basic water management terminology, history of federal water mandates, current Executive Order 13693 provisions, best practices associated with comprehensive water management, and proven water conservation financing mechanisms and strategies. The three -module course offers a thorough overview of water management in the federal context:

- Module One: Introduction to Federal Water Management
- Module Two: Introduction to Comprehensive Water Management
- Module Three: Financing and Launching Water Management Projects

**CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES** This U.S. Geological Survey [webinar series](#) was developed to inform scientists, land managers, and the public about potential and predicted climate change impacts on fish and wildlife and to help guide resource management decisions across the United States. Video recordings with closed captioning are made available one to two weeks after each presentation.

**READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM** The REPI [webinar series](#) is presented by DOD in partnership with the [Land Trust Alliance](#). This online series covers best practices, tutorials and knowledge sharing on REPI partnerships that support military mission and accelerate the pace and rate of conservation. All webinars begin at 1:00 p.m. Eastern unless otherwise noted. Previously scheduled webinars are available anytime.

**EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY** Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of live and archived webinars. Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management (SMM) is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

**ITRC INTERNET BASED TRAINING** The Interstate Technology and Regulatory Council (ITRC) is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division, ITRC delivers training courses to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents. Visit the site often to view upcoming Internet-based training events.

# Internet Resources

## **Region 6 Regulatory & Legislative Internet Sites**

USEPA Region 6  
Arkansas Department of Environmental Quality (ADEQ)  
Arkansas Legislature  
Louisiana Department of Environmental Quality (LDEQ)  
Louisiana Legislature  
New Mexico Environment Department (NMED)  
New Mexico Legislature  
Oklahoma Department of Environmental Quality (ODEQ)  
Oklahoma Legislature  
Texas Commission on Environmental Quality (TCEQ)  
Texas Legislature

## **Region 7 Regulatory & Legislative Internet Sites**

USEPA Region 7  
Iowa Department of Natural Resources (IDNR)  
Iowa Legislature  
Kansas Department of Health and Environment (KDHE)  
Kansas Legislature  
Missouri Department of Natural Resources (MDNR)  
Missouri Legislature  
Nebraska Department of Environmental Quality (NDEQ)  
Nebraska Legislature

## **Other Federal Agencies Internet Sites**

Department of the Interior, Bureau of Land Management State Offices  
Eastern States AR, LA, MO, IA  
NM, KS, OK, TX  
WY, NE  
U.S. Geological Survey  
DOE Office of Environmental Management  
U.S. Fish and Wildlife Service  
Southwest Region NM, TX, OK  
Mountain – Prairie Region KS, NE  
Midwest Region IA, MO  
Southeast Region AR, LA



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Region 7 Air Force REC	(214) 333-5012
Navy REC (AR/KS/LA/MO/OK/TX)	(904) 542-6853
Navy REC (IA/NE)	(360) 315-5400
Navy REC (NM)	(619) 532-2303

## How the Regional Offices Work for You

**The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues before they become laws and regulations.**

The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are protected.

To comment on item in the Central Review, please contact the Regional Environmental Coordinator listed in the staff directory.

To be added to the Central Review distribution list, email [Jim Mayer](#).